

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,973	11/13/2001	Jiayu Simon Xue	P22,561-A USA	6708
· ·	7590 10/05/2004		EXAMINER	
Synnestvedt & Lechner LLP 2600 Aramark Tower			MAPLES, JOHN S	
1101 Market Street			ART UNIT	PAPER NUMBER
Philadelphia, I	PA 19107-2950		1745	
			DATE MAILED: 10/05/2004	·

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
	10/007,973	XUE ET AL.	
Office Action Summary	Examiner	Art Unit	
	John S. Maples	1745	
The MAILING DATE of this communication Period for Reply	on appears on the cover sheet w	ith the correspondence addre	ss
A SHORTENED STATUTORY PERIOD FOR F THE MAILING DATE OF THIS COMMUNICAT - Extensions of time may be available under the provisions of 37 (after SIX (6) MONTHS from the mailing date of this communicat - If the period for reply specified above is less than thirty (30) days - If NO period for reply is specified above, the maximum statutory - Failure to reply within the set or extended period for reply will, by Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	ION. CFR 1.136(a). In no event, however, may a rion. s, a reply within the statutory minimum of thir period will apply and will expire SIX (6) MON statute, cause the application to become AB	eply be timely filed by (30) days will be considered timely. ITHS from the mailing date of this commus ANDONED (35 U.S.C. & 133)	unication.
Status			
1) Responsive to communication(s) filed on			
	This action is non-final.		<u>-</u> - · · · · · · · · · · · · · · · · · ·
3)☐ Since this application is in condition for a		ers, prosecution as to the me	erits is
closed in accordance with the practice ur			
Disposition of Claims		,	
4)⊠ Claim(s) <u>20,45-57 and 61-87</u> i e /are pendi	ng in the application		
4a) Of the above claim(s) is/are with			
5) Claim(s) is/are allowed.	indrawit from consideration.		
6) Claim(s) is/are allowed.			
7) Claim(s) is/are objected to.			
8) Claim(s) <u>20,45-57 and 61-87</u> are subject	to restriction and/or election red	quirement.	
Application Papers			
9) The specification is objected to by the Exa			
10) The drawing(s) filed on is/are: a)] accepted or b)⊡ objected to I	by the Examiner.	
Applicant may not request that any objection t	o the drawing(s) be held in abeyan	ce. See 37 CFR 1.85(a).	
Replacement drawing sheet(s) including the c	orrection is required if the drawing(s) is objected to. See 37 CFR 1.	.121(d).
11)☐ The oath or declaration is objected to by the	ne Examiner. Note the attached	Office Action or form PTO-1	52.
Priority under 35 U.S.C. § 119	·		
12)☐ Acknowledgment is made of a claim for fo a)☐ All b)☐ Some * c)☐ None of:	reign priority under 35 U.S.C. §	119(a)-(d) or (f).	
,,			
1. Certified copies of the priority docur			
2. Certified copies of the priority docu			
3. Copies of the certified copies of the	priority documents have been	received in this National Stag	je
application from the International B	` ,,		
* See the attached detailed Office action for a	a list of the certified copies not r	received.	
Attachment(s)			
1) Notice of References Cited (PTO-892)	4) 🔲 Interview St	ummary (PTO-413)	
2) 🔲 Notice of Draftsperson's Patent Drawing Review (PTO-948	Paper No(s)	/Mail Date	
 Information Disclosure Statement(s) (PTO-1449 or PTO/S Paper No(s)/Mail Date 	B/08) 5)	formal Patent Application (PTO-152))
5. Patent and Trademark Office	о, <u>—</u> опы	<u>. </u>	
TOL 000 (T	ce Action Summary	Part of Paper No./Mail Date	100104

Application/Control Number: 10/007,973

Art Unit: 1745

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claim 20, drawn to a carbonaceous insertion compound, classified in class 423, subclass 414.
 - II. Claims 45-57, drawn to a process for preparing a pre-graphitic carbonaceous host, classified in class 423, subclass 414.
 - III. Claims 61-87, drawn to an electrochemical device, classified in class 429, subclass 231.8.
- 2. The inventions are distinct, each from the other because of the following reasons:

Inventions II and I/III are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product of either Group I or Group III could be made by another and materially different method than that of Group II such as by pyrolyzing an alcohol to obtain the resultant carbon product. In addition, the carbon compound of Group I is distinct from the cell of Group III because the latter group comprises atoms of lithium inserted into the carbon material and further includes electrodes and an electrolyte, and is thus distinct therefrom. The material of Group I could be used in a materially environment than that of Group III such as in a chemical compound production plant.

Art Unit: 1745

- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
- 4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John S. Maples whose telephone number is 571-272-1287. The examiner can normally be reached on Monday-Thursday from 6:15-3:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1745

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business-Center (EBC) at 866-217-9197 (toll-free).

John S. Maples Primary Examiner Art Unit 1745

JSM/10-1-04